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10/726,204	12/02/2003	Akio Yamada	A36094 - 070793.0156	3312
21003	7590	05/19/2006	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112			NGUYEN, TRUC T	
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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/726,204
Filing Date: December 02, 2003
Appellant(s): YAMADA ET AL.

Yamada et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/13/06 appealing from the Office action mailed 4/7/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5350319	ROBERTS	9-1994
5928029	LAM	7-1999
5163847	REGNIER	11-1992

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (US 5,350,319) in view of Lam (US 5,928,029).

Regarding claims 2, 4, 15, Roberto discloses a connector comprising:

a housing (1);

two flexible circuits (12) having contact areas (13);

pusher members (7);

fitting aperture (18);
insertion openings (36); and
a position means (4, 5).

Roberto substantially disclosed the claimed invention except the pushing member being a U-shaped member formed of a unitary part.

Lam teach a U-shaped unitary member (12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the pushing member of Roberto by a U-shaped unitary pushing member, as taught by Lam for reducing assembling time.

Regarding claim 1, 3 and 5, similarly to the rejection of claims 2, 4, 15, Roberto substantially disclosed the claimed invention except for there is a three flexible circuit.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the flexible circuits up to three flexible circuits, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

3. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberto (US 4,975,068), Lam (US 5,928,029) and further in view of Regnier (US 5,163,847).

The modified connector of Roberto substantially disclosed the claimed invention except the flexible circuit have a slits.

Regnier disclose a circuit (10) having slit (16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a slit into Roberto's flexible circuit, as taught by Regnier for proper connection.

Allowable Subject Matter

4. Claims 12 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach the position means comprises flanges at longitudinal ends of the housing, each being provided with a pin for receiving an aperture of the flexible circuit.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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(10) Response to Argument

a) In response to the applicant argument for Independent claim 2 (page 9, line 17 to page 12 line 6), that:

- *“Roberts neither discloses nor suggests the limitation of a fitting aperture into which two flexible printed circuit boards are inserted”.*
- *“the flexible circuits are not flexible circuit boards”.*
- *“Roberts does not disclose or suggests that these flexible circuits are urged by said pusher members so as to be connected to each other to achieve electrical continuity of the connector”.*

The examiner respectfully disagrees.

A flexible circuit means a circuit that is flexible. Therefore, Roberts’s flexible circuit would not excluding a flexible circuit board.

The applicant fails to claim at what stage the two flexible circuit boards are inserted into the aperture. Roberts clearly disclose that the flexible circuit (12) is inserted into the aperture (18, the aperture also includes a corresponding opening 33, column 5, lines 50-52) before the housings (2, 6) are snap together to make the final assembly.

Roberts’s pusher member (7) is a spring (column 5, line 42), which press against the flexible member (12) by an urging force. Roberts clearly shown in Figure 2 that the flexible circuits (12) are in contact to each other before the connector edge in inserted. One skill in the art would understand that the flexible circuits are in contact to each other by an urging force of the pusher members (7).

b) In response to the applicant argument for Independent claim 1 (page 12, lines 7-21), and dependent claims 3-5 and 15 (page 12, line 22 to page 13, line 8) that:

- *Appellant reassert the patentability arguments presented above in connection with claim 2 and submit that claim 1 is patentable for the same reason as claim 2.*
- *Claim 3, which contains all of the limitation of claim 1, cannot be render obvious by reliance on these references.*
- *Because claim 5 multiply depends from either claim 3 or 4 which depend from claims 1 and 2, respectively, and so contain all of their limitations, claim 5 cannot be rendered obvious by the Robert and Lam combination*

The examiner respectfully disagrees.

The applicant fails to claim at what stage the two flexible circuit boards are inserted into the aperture. Roberts clearly disclose that the flexible circuit (12) is inserted into the aperture (18, the aperture also includes a corresponding opening 33, column 5, lines 50-52) before the housings (2, 6) are snap together to make the final assembly.

d) In response to the applicant argument for Dependent claims 6-11 (page 13, line 11 to page 14, line 3). These dependent claims are depend from the rejected claim 5; therefore it is not overcome by references of Roberts (US 5,350,319), Lam (US 5,928,029) and Regnier (US 5,163,847).

- *“Office Action at page 5, has not been cited against claim 5 for the limitation not taught by Roberts and Lam. Therefore, Appellants*

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respectfully submit that claims 6-11 that depend from 5 cannot be rendered obvious by the examiner”.

The examiner respectfully disagrees.

The limitation of claim 5 “positioning means” has been rejected in page 2 of the Office Action. Therefore claims 6-11 would rendered the obvious by the examiner by further in view of Regnier’s reference.

Finally, claims 1-11 and 15 stand rejected. Claims 12 and 16 stand objected.


(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Truc Nguyen



Primary Examiner

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Conferees:

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